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10 UNITED STATES BANKRUPTCY COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SAN FERNANDO VALLEY DIVISION

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15 In Re:) Case No. 1:17-bk-
16 Vladimir Vekic) Chapter 11
17 Debtor.)
18) MOTION TO VACATE DISMISSAL OF
19) CASE TO TEMPORARILY IMPOSE
20) AUTOMATIC STAY PENDING
21) HEARING ON MOTION TO VACATE
22) AND DECLARATION OF STEPHEN L.
23) BURTON IN SUPPORT THEREOF
24)
25) DATE:
26) TIME:
27) PLACE:
28)

29 MOTION TO VACATE

30 The Debtor hereby moves for an order vacating the dismissal of his case.

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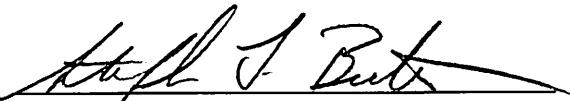
32 1. The dismissal of the case should be vacated. Counsel mis calendered the time of the
33 hearing June status conference. Debtor and counsel arrived late for the 9:30 hearing. The Court
34 indicated on the record the Court and the U.S. Trustee concluded Counsel and the Debtor had
35 just given up on the case. On the contrary. The Debtor is prepared to file his Disclosure
36 Statement and Plan of Reorganization. The Debtor is able to cure arrears on his primary home
37 and rental income over five years, and pay all unsecured creditors, which are few, in full.
38 Moreover, a foreclosure sale of the Debtor's primary residence is presently set for July 5, 2018 so

1 there is a pressing necessity for a decision to issue on vacating the dismissal, or at least staying
2 the sale until such time as a decision to vacate the dismissal can be heard on regular notice after
3 the Debtor has filed his disclosure statement and proposed plan of organization.

4 2. For the reasons cited above, the dismissal of the case should be vacated.

5 Dated: 6/27/2018

6 Respectfully Submitted,

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11 Stephen L. Burton, Attorney for Debtor

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13 DECLARATION OF STEPHEN L. BURTON

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15 I, Stephen L. Burton, declare as follows:

16 1. I am the attorney for the Debtor in the within proceeding. As such, I have personal
17 knowledge of the foregoing, and if called to testify could competently testify thereto.

18 2. I make this Declaration in support of Debtor's Motion to Vacate the Dismissal of his
19 case.

20 3. I had calendared the June 20, 2018 status conference for 10:30 am, and not the correct
21 time of 9:30 am. I was actually in the building at 9:30 to appear before Judge Kaufman. When
22 I finished before Judge Kaufman, and still before 10:30 am. I went to Judge Tighe's Courtroom
23 and found the outer door locked. It did not open until 11:00 am.

24 4. Judge Tighe indicated on the record she surmised the Debtor and I had abandoned the
25 case and therefore did not appear. The is untrue. The Court and counsel discussed the reasons
26 for dismissal briefly on the record. The Debtor is earning sufficient income to pay bring his
27 home loan current over five years and pay back taxes and his unsecured taxes creditors in full
28 over five years.

5. Ditech, the Debtor's mortgage company has scheduled July 5, 2018 as the foreclosure sale date for Debtor's primarily residence on Amestoy. The dismissal of the case should be vacated. Alternatively, the sale should be temporarily stayed if the court feels this Motion should be heard on notice, or upon the return of Judge Tighe. Providing additional time for hearing on this Motion will also enable the Debtor time to file his Disclosure Statement and Proposed Plan of Reorganization.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed this 27th day of June, 2018 at Encino, California.


STEPHEN L. BURTON, Declarant